

**Resolution #TC-3032**

Approval of Resolution to

Dispose of Rainbow Bridge and Property to the City of Fort Morgan

**Approved by the Transportation Commission on: December 20, 2012**

Project Code: None

Project No: S0029 (5)

Location: Fort Morgan

WHEREAS, the right of way shown and described in Exhibit A, attached hereto, was acquired in 1922 by Morgan County to construct a bridge (Rainbow Bridge) and conveyed to CDOT via Transportation Resolution 1159-C in 1964; and

WHEREAS, a new bridge was constructed adjacent to the Rainbow Bridge to accommodate a new alignment of SH 52 in 1968; and

WHEREAS, the Rainbow bridge is not wide/structurally sound enough to accommodate modern traffic; and

WHEREAS, the Department of Transportation, Region 4, has determined that the Rainbow Bridge and the right of way it occupies (the Property) are longer needed for Transportation purposes; and

WHEREAS, the Department of Transportation, Region 4 has determined the Property is excess land no longer needed for transportation purposes; and

WHEREAS, the City of Fort Morgan (the City) has requested that CDOT convey the Property to the City for use as a public park, which is a nonproprietary public use; and

WHEREAS, Title 23, Part 710, Section 403(d)(1), allows CDOT to convey property to other governmental agencies when the property will be used for a nonproprietary public use; and

WHEREAS, upon the Transportation Commission concurrence that the Property is longer needed for transportation purposes, Region 4 will convey the Property to the City of Fort Morgan; and

WHEREAS; if the Property ever ceases to be used as a nonproprietary public use, the Property will revert back to CDOT ownership; and

WHEREAS, the conveyance of the Property will alleviate CDOT of future maintenance expenditures and liability associated with the Rainbow Bridge; and

WHEREAS, the Department of Transportation, Region 4 has declared through Timothy Harris as Chief Engineer, that this right of way is no longer needed for transportation purposes; and

WHEREAS, the Chief Engineer and the Department of Transportation are authorized pursuant to C.R.S. 43-1-110, 43-1-114(3), and 43-1-210(5) to make determinations regarding property to be declared excess and not needed for transportation purposes; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that the Rainbow Bridge and associated right of way are no longer needed for transportation purposes; and

NOW THEREFORE BE IT RESOLVED, pursuant to 23 CFR 710.409 (d)(1)), and C.R.S. 43-1-106(8)(n); 43-1-110; 43-1-114(3) and 43-1-210 the Department of Transportation be given authority to declare the Property shown in Exhibit A, to be excess and to convey it to the City of Fort Morgan.

Herman F. Stockinger III  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

12-27-12  
Date